

Appendix 2

Central Bedfordshire's Original Objections to the Rookery South Development Consent order.

1. Introduction

1.1. The Council is responding to this application for a Development Consent Order as Local Authority, Highway Authority and land owner. As the local authority it has a wide range of functions and responsibilities. It is also the local planning authority. It is a major governmental body in this Development Consent process. This relevant representation and its participation in this application process reflects and draws on the breadth of its relevant functions and responsibilities.

1.2. Central Bedfordshire Council object to the proposed electricity generation facility as it is considered that the adverse impacts of the proposal outweigh the positive benefits and on this basis the IPC will be required by draft National Planning Statement EN-1 (NPS EN-1) to refuse the application for Development Consent.

1.3. The principle reasons for objecting to the proposal are:

- that the size and bulk of the proposed facility will adversely impact on the amenity of local residents and on the highway network in the vicinity of the site and in other parts of the authority area;
- the proposed facility is sized so that it needs to source waste from a much greater area than the former county area of Bedfordshire and, as such, is contrary to national and local planning policy to handle waste sustainably by using the nearest appropriate facility and to make provision for local waste disposal requirements.

1.4. The matters at issue and on which the Council will wish to submit more detailed submissions are set out below. These include the design and scale of the facility, the visual impact, amenity impacts, highway and sustainability issues but there are also procedural issues and legal points to be addressed to ensure that if the proposal is approved that is it 'fit for purpose' and capable of being monitored during its construction and operation.

1.5. The matters at issue as set out below:

2. Traffic, Highway and access issues

2.1. The proposal states that approximately 530 HGV traffic movements will be generated a day. The Council is of the view that these will, potentially, have significant adverse impacts on the area in the immediate vicinity of the site and on the residents and environment of Central Bedfordshire particularly as there is no evaluation of how seasonal variation and peaks in economic activity could produce higher peaks of such traffic for short periods.

Strategic Highway Issues

- 2.2. There are concerns that the HGV traffic generated will affect a much wider area than that covered by the Traffic Assessment, which is based on the HGV's assessing the site via the A421, but there has been no assessment beyond the A421 or means set out to address increased congestion on other major highways and junctions especially where waste is to be sourced from within the proposed catchment area but distant from Bedfordshire.
- 2.3. Evidence is required for the proposed directional split of HGV's and sensitivity testing should be undertaken as there are no firm contracts in place. Comprehensive information is required on the nature of the operation and development of HGV movements in particular in relation to the strategic management of these movements.
- 2.4. No consideration appears to have been given to HGV trips using unsuitable routes to gain access to the A421. For example, vehicles from the west may use minor routes through Cranfield, Moulsoe or Aspley Guise. Vehicles from the east on the A507 may use Lidlington to access the A421. If the routing plan is used then it is acknowledged that the routes proposed would be acceptable but there is no detail as to how the proposed routing plan would be monitored and enforced.
- 2.5. There is also concern that the facility will attract additional HGV traffic on to the motorway system. The M1 traverses the western side of the District and regularly seizes up due to incidents which results in an unacceptable level of HGV traffic finding alternative routes through towns and villages in the District. This will be exacerbated if the facility is built.

Highway Safety

- 2.6. The wider implications of highway safety as a result of higher flows of goods vehicles on the wider highway network have not been adequately assessed within the IEMA Guidance assessment in conjunction with evolving Network Management Strategy.

Transport Policy and Cumulative Effects

- 2.7. There are transport policy concerns about baseline data flow and growth factors. The application does not fully address the cumulative effects of traffic from the redevelopment of the brickworks (in Bedford Borough), the proposed landfill in Rookery South and the proposed RRF and the capacity of Green Lane to accommodate the projected traffic numbers as a result of these developments.

Highway Access and standard of construction

- 2.8. There concerns about highway layout and standard of construction that need to be addressed including the substandard visibility at the junction of Green Lane with the A421 (this is mainly in Bedford Borough). The surface of Green Lane and the A421 should be brought up to an appropriate standard before any operations commence and currently there is no proposal for achieving this.

Construction of road across the level crossing

- 2.9. Details of the new access to the site from Green Lane are, in principle, accepted but it is not clear how some of the dimensions used have been determined and this needs to be justified before this aspect of the access design can be agreed.

Alternative routing arrangements

- 2.10. The use of Broadmead Lane as a diversion route if the level crossing is closed for more than 24 hours is not considered to be acceptable and an alternative needs to be found.
- 2.11. The emergency access seems to follow the same route as the main access so there is the potential for them both to be blocked and this needs to be addressed
- 2.12. The Council requests an issue specific hearing on transport and highway issues.

3. Design, Landscape and Visual Impact

- 3.1. The Council considers that the facility will be highly intrusive visually from the surrounding landscapes including the Greensand Ridge, highly valued for its scenic quality, cultural heritage and recreational routes. The visual impact will be increased because of the plume. The stack of the facility is of a greater height than the four chimneys of the former Stewartby brickworks and would intrude on panoramic views and the skyline. The proposals cannot be visually mitigated due to the size of the built form and scale of the development.
- 3.2. The facility will visually have an overbearing effect on the local landscape, adversely impacting on the amenity of the users of the country park, the footpath network and the wider countryside.
- 3.3. The facility will attract additional industrial activity resulting in reindustrialisation which will further alter and erode the semi-rural character of this part of the Vale. This is contrary to the Council's policies for environmental regeneration and landscape enhancement but does not seem to have been assessed by the applicant.
- 3.4. There is concern that the 'industrial' design of the facility was decided at too early a stage in the process and the justification for taking this design route is flawed. An iconic design that local residents could admire and could become a design feature in the area might have been preferable.
- 3.5. The design emphasis focuses on the main built form and does not consider ancillary areas, the whole site or setting. Further work needs to be done to explore the visual connection between the proposed Nirah development and this facility.
- 3.6. Further consideration and clarification needs to be given to the extent and appropriateness of mitigation measures proposed, in particular landscaping including tree planting and bunding, both near the site and further afield.

- 3.7. The Council requests an issue specific hearing on design, landscape and visual impact.
4. Impact on historic environment and archaeology
 - 4.1. The Council considers that the scale & massing of this proposed large industrial complex of buildings, incorporating a tall stack, has the potential for harm to the settings & character of heritage assets, including South Pilling Farm, Ampthill Park House, Houghton House, Katherine's Cross, Ampthill Park; Millbrook and Ampthill Conservation Areas and views from the Greensand Ridge.
 - 4.2. The assessment of the impact on the setting of the Monuments in the Environmental Statement has been underplayed.
 - 4.3. The Council requests an issue specific hearing on the impact on the historic environment.
5. Ecology
 - 5.1. There is concern that the proposed facility could attract further development to Rookery Pit south and that this could adversely affect the mitigation currently proposed.
6. Noise impacts of the development on local residents and on the surrounding area.
 - 6.1. The Council has concerns about noise both during construction and operation.
 - 6.2. The methodology used to assess noise emphasises 'average' noise levels and noise limits proposed do not account for differing characteristics of noise, the existing background levels and do not appear to relate to predicted levels as set out in the Environmental Statement.
 - 6.3. There are concerns about the potential noise impact, particularly from irregular sounds, from site plant and activities and from vehicles serving the site on health and amenity of local residents. From an amenity point of view there are concerns that the long operating and delivery hours and construction hours proposed at sensitive times of the day could exacerbate the local traffic impacts and this has not been adequately considered or justified.
 - 6.4. It appears that different plant is now being proposed from that assessed in the Environmental Statement.
 - 6.5. The Council requests an issue specific hearing on the noise impacts of the development.
7. Air quality and odour
 - 7.1. The Council considers that the potential effects of temperature inversions have not been adequately considered.

- 7.2. There are concerns about odour as no secondary mitigation is proposed and it has been scoped out of the environmental assessment with inadequate justification. There are no details as to how negative pressure will be maintained in the tipping hall particularly when the facility is busy and the doors are in regular use. Waiting vehicles may cause additional issues.
 - 7.3. There is also concern that the safe levels of some metals such as chromium is likely to be exceeded and that particulates will also increase and whether mitigation measures put forward are sufficient. This is notwithstanding the submission of the HIA that seeks to address local concerns about potential health impacts arising from the plant.
 - 7.4. The Council requests an issue specific hearing on air quality and odour.
8. Planning Policy conflicts

Waste Planning Policy and catchment area issues

- 8.1. The proposed catchment area is significantly larger than the former county area of Bedfordshire and the facility is sized to take much more than 'local' waste. Other authorities within the catchment area put forward by Covanta will also be planning for disposal facilities to process the waste generated within their area and which will generate electricity. This would also ensure that it can go to the nearest appropriate facility (to accord with national, regional and local policy). The waste treatment and electricity generating capacity of the Covanta facility is considerably greater than that required for the Bedfordshire area and it has not been demonstrated that excess capacity is required when the capacity of other existing and proposed waste facilities both within Bedfordshire and other parts of the catchment area are taken into account.
- 8.2. The applicant has reserved the right to change the catchment area. It is almost inevitable that this would result in waste being sourced from even larger area than currently proposed. If this is done after the DCO is approved there will have been no assessment of the potential impacts of the enlarged catchment particularly in terms of where the waste is being sourced and the implications for the road network and whether this is sustainable. In the event that the DCO is approved the Council would seek to limit the catchment area for sourcing waste to that identified in the applicant through a 'requirement' or through the Heads of Terms.
- 8.3. The proposed facility does not comply with policy emerging through the Waste Core Strategy Preferred Options (June 2010) because, whilst the site is identified for waste management development, it is only identified for facilities to serve local need. Covanta is sized to dispose of waste sourced from a much larger area.

- 8.4. The proposal conflicts with other policy of the Bedfordshire and Luton Minerals and Waste Local Plan. In particular Policy W2 which seeks to reduce the quantity of imported waste over the Plan period of 2000-2015; policy W3 which states that facilities intended for the management of imported wastes by means other than landfill will not be granted permission and policy W8 which states that waste management proposals will be expected to demonstrate that they will integrate effectively with operations to recover resources from waste. This has not been demonstrated

Local Planning Policy

- 8.5. Whilst local planning policy encourages the use of renewable energy there is concern, in this instance, that the facility will not assist in achieving the objective of fulfilling the potential of and enhancing Marston Vale.
- 8.6. The site is not required for employment purposes as there is 50% over allocation of employment land in the Site Allocations Development Plan Document.
- 8.7. The use of Green Lane as the access to the facility could prevent the completion of the proposed route of the Bedford and Milton Keynes Waterway as the proposed route as it intersects Green Lane close to the A421 and the proposed grid connection cable routes. The proposals do not take account of this project. If this is not taken into account in any design and reconstruction of Green Lane then it could prevent the canal from being completed as an alternative route for the underpass may not be possible. To construct the underpass at a later stage would require the closure of Green Lane. The accommodation and construction of the underpass could be a positive community contribution.
- 8.8. The Council requests an issue specific hearing on Planning Policy conflicts.
9. Socio economic impacts
- 9.1. The Council considers that socio economic impacts have been over estimated with regard to employment during construction and operation of the facility. Whilst it is intended that labour will be sourced locally for the construction of the facility projects such as this are of a specialist nature and there is concern as to the ability to locally source all the labour needed because of the expertise required. Similarly at the operational stage only 80 jobs will be created which is relatively few when viewed in the context of the 17,000 jobs target for the North Central Bedfordshire giving due regard to the proposed salary and skill levels proposed.
- 9.2. Other energy from waste facilities with which this proposal is compared are of a smaller scale and in more industrialised areas than the more rural environment of Rookery Pit. Some of the sites have yet to become fully operational and long term impacts are not completely understood.
- 9.3. The increased HGV traffic will reduce the attractiveness of the area for alternative employment generating investments.

- 9.4. Central Bedfordshire's villages and countryside are seen as key assets by businesses. Developments that will have a significant negative visual impact on such areas cannot be seen as other than negatively affecting inward investment prospects.
- 9.5. There are concerns that the development would have a negative effect on the housing market and reduce the attractiveness of the area as a place to live. Moreover, it appears that the reduced electricity tariff is only intended to be available to existing residents.
- 9.6. The positive benefits of the facility are acknowledged but the implementation of some benefits, such as the proposed electricity subsidy and the local labour clauses, is unclear and this is crucial to the success of such benefits.
- 9.7. The area has been substantially regenerated following the demise of the brickmaking industry and the closure of many of the landfill sites in the area - the development of the facility which would once again bring waste in from a wide area adversely impacting on the regeneration of the area
- 9.8. The Council requests an issue specific hearing on the socio economic impacts.
10. Interest in Land
- 10.1. The Council objects to the compulsory acquisition of rights over land in its ownership as the adverse impacts of the proposal outweigh the benefits and if the facility is not approved as a result then the compulsory acquisition of the rights over the land cannot be justified.
- 10.2. The Council will pursue any matters relating to land identified for compulsory acquisition or for which rights are sought to facilitate the development. It is also currently unclear whether the compulsory acquisition of rights over highway land will affect other highway powers.
- 10.3. The Council is an affected person and requests a compulsory acquisition hearing under s.92.
- 10.4. The Council is an affected person and requests a compulsory acquisition hearing under s.92.
11. Draft Development Consent Order and the Requirements

Development Consent Order

- 11.1. The Council considers that there will be a need for negotiation on the matters set out in the draft DCO. The Council currently objects to the rights proposed which give almost unlimited right to undertake further development within the Consent area both during construction and the operation of the facility. The limitations of these rights need to be agreed and set out.
- 11.2. Other matters set out in the draft DCO will also be reviewed and commented on.

The Requirements

- 11.3. The Local Planning Authorities are likely to be responsible for monitoring and enforcing any requirements imposed on the development as well as any planning obligations. The requirements as currently worded do not meet the tests for planning conditions as set out in Circular 11/95 and it is essential that they do so if they are to be monitored and enforced effectively.
 - 11.4. The Council is of the view that it would be more appropriate for the Local Planning Authority to assess and determine the submissions due to their experience in such matters as well as the need to take into account future monitoring. Redrafting of the requirements is, therefore, suggested so that if the DCO is granted subsequent submissions to discharge details are submitted to the relevant planning authority rather than to the Commission as is currently proposed.
 - 11.5. The Council intends to put forward revised wording for the requirements to ensure that the tests are met and to ensure that requirements are discharged through the Local Planning Authority.
 - 11.6. Additional requirements will be required to ensure that the mitigation proposed is delivered and to ensure that all relevant matters are taken account of.
 - 11.7. Proposed wording for these requirements will be put forward. For example the Environmental Statement identifies many mitigation measures necessary to reduce the impact of the development on the ecology of the County Wildlife Site at Rookery Pit and yet these are not detailed in the proposed requirements.
 - 11.8. The Council also intends to challenge the wording of some proposed requirements. For example the noise levels proposed are blanket levels paying no attention to the nature of the noise, the existing background levels or the maximum noise that will be emitted and having no relation to the predicted levels in the EIA. The proposed noise levels appear to be arbitrary and have no link to the levels proposed in the EIA, there is no reference to maximum levels which are used to relate the short loud noises which wake people up. The construction and delivery hours are excessive.
 - 11.9. There does not currently seem to be any provision for right of appeal if an application to discharge a condition is refused. Whilst this may be more of a concern to the applicant it does mean that, in this situation, the only address the applicant would have is to apply to the High Court. This could be costly and time consuming for the local planning authority. This matter needs to be discussed with the IPC and the applicant through the DCO.
12. Heads of Terms
 - 12.1. The Council considers that there are other matters that should be included in the obligation to maximise the benefits of the proposal. For example:
 - i. resurfacing and upgrading of Green Lane to an agreed specification and standard before commencement of operations together with an ongoing obligation to repair and maintain the road, and

- ii. a catchment area restriction for sourcing waste to reflect the county areas put forward in the DCO application
 - iii. HGV traffic routing plan.
- 12.2. In the Council's view the proposed Travel Plan needs to be revised as it does not contain an action plan or timetabled commitments.
- 12.3. One of the proposed benefits, the reduction in electricity tariff for local residents, is not included in the Heads of Terms and no clear mechanism has been demonstrated for its implementation.
13. Other issue specific matters
- 13.1. There are a number of other matters on which the Council may wish to put forward written and oral representations. These include the potential for light pollution; nature conservation issues such as translocation of newts; habitat creation and the wider issue of the county wildlife status of Rookery Pit; surface water issues; the potential flood risk; and issues arising from the HIA.